

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No: 1:22-cv-23184-WPD

KELLY LYLES,

Plaintiff,

v.

AMERICAN ZURICH INSURANCE
COMPANY,

Defendant.

_____ /


**ORDER DENYING AS PREMATURE MOTION FOR EXTENSION OF TIME
TO FILE JOINT SCHEDULING REPORT**

THIS CAUSE comes before the Court on the Unopposed Motion for Extension of Time to Confer and to File Joint Scheduling Report and Discovery Plan (the “Motion”) filed by defendant, American Zurich Insurance Company, on November 8, 2022 in this action. [DE 7]. The Court has carefully considered the Motion, and is otherwise fully advised in the premises.

On October 3, 2022, the Court issued an Order Requiring Counsel to Meet, File Joint Scheduling Report and Joint Discovery Report and set various deadlines for the parties. [DE 4]. In that order, the Court ordered the Parties to file a joint scheduling report within thirty-five days of the filing of the first responsive pleading by the last responding defendant. In this case, Defendant filed a motion to dismiss. [DE 6]. A motion to dismiss is not a “pleading.” *See* Fed. R. Civ. P. 7. As Defendant has not yet filed an Answer, the Court will deny the instant Motion [DE 7] as premature.

Accordingly it is **ORDERED AND ADJUDGED** that the Motion [DE 7] is hereby **DENIED** as premature.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 9th day of November, 2022.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Counsel of record